

Together We Will Rebuild

Boulder County Collaborative CDBG-DR Partial Action Plan

Draft March 9, 2015

Section 1: Introduction

Boulder County, Colorado, experienced a catastrophic flood event from September 11th, 2013 through September 15th, 2013. Beginning September 9th, more than 17 inches of rain fell along the Colorado Front Range. This was an historic event, and the rainfall triggered flash floods across Boulder County and the surrounding region. The volume of water in the St. Vrain Creek in Longmont was ten times its normal amount by the evening of September 11th, 2013. In different parts of the county, the event ranged from a 100-year flood to a 1000-year flood. For example, the Town of Lyons experiences normal creek flows during spring run-off of approximately 1,200 cubic feet per second (cfs); however, during the 2013 flood, Lyons experienced 26,000 cfs. This far exceeded the typical 100 year flood event of approximately 4,800 cfs.

As indicated in the State of Colorado's Action Plan, Boulder County was the hardest hit county in the state. Boulder County received approximately 50% of the housing damage reported for the State, and local businesses received 51% of the Small Business Administration (SBA) disaster business loans provided to businesses in the State. Boulder County had approximately 47% of infrastructure damage, over two times the amount of the next closest county, with incredible damage to all five major watershed drainages in the county, about 150 miles of county roads, and utilities and wastewater facilities.

This disaster was different than past disasters in Boulder County. Rivers and creeks cut new paths, washing away homes, leaving massive amounts of debris and destroying access to homes. Many homes that were not in the floodplain were damaged or destroyed because of dramatic river and creek breaches. Debris rushing down creeks and rivers caused destruction to private bridges, culverts and roads. Damage to public roads due to debris, floodwaters and mudslides isolated many residents during the disaster, and more than 1,100 people and hundreds of pets were evacuated by helicopter during a mission led by the National Guard, the second largest domestic air rescue since Hurricane Katrina.

Boulder County conducted a debris removal program in the months following the disaster to remove household debris, woody debris, hazardous materials, and other debris, so that river and creek channels could safely convey spring run-off. 28,124 tons of debris was collected from rights of way, 2,448 tons at collection sites, and 32,821 tons from high hazard creek locations. Still, debris continues to clog many of the waterways, and damage from debris flows remains. The impacts from the 2013 flood have left Boulder County much more vulnerable to future flood events as drainages and watersheds that have historically absorbed and slowed down runoff during the spring thaws and heavy rains are not yet restored and offer little retention capability.

Since the flooding in September 2013, the County and the units of local government impacted by the flood have worked with local, state, and federal partners to access needed assistance for its residents. Resources and support made possible by these partners will be discussed throughout this Action Plan. These partners have played and will continue to play an integral part in the recovery of Boulder County. These partners include governmental, private, and non-profit agencies.

Boulder County and the units of local government within the county have formed a collaborative partnership (Collaborative) among its impacted communities with a focus on strategic coordination for long-term recovery. The Boulder County Collaborative is comprised of the following nine (9) Participating Governmental Entities (hereafter “Participating Entities”):

- Boulder County
- City of Boulder
- Town of Jamestown
- City of Lafayette
- City of Longmont
- City of Louisville
- Town of Lyons
- Town of Nederland
- Special Districts, as one group represented by Boulder County

The Collaborative is submitting this Action Plan to the State to outline Boulder County’s unmet needs, as well as to describe how the Collaborative proposes to allocate a sub-allocation of CDBG-DR (Community Development Block Grant-Disaster Recovery) funds received from the Colorado Department of Local Affairs (DOLA), through the US Department of Housing and Urban Development (HUD) for infrastructure and housing programs.

The City of Longmont will be the Lead Agency in administering these programs throughout the county. Longmont is an entitlement city and has been administering HUD CDBG dollars since 1984. The City has a long history of administering the various HUD programs such as the HOME Investment Partnerships Program and CDBG and is familiar with the federal regulations tied to the CDBG program.

Section 2: Needs Assessment

Boulder County has conducted a needs assessment to assess both direct and indirect impacts from the disaster to determine the remaining “unmet needs” for the three major categories of Housing, Infrastructure, and Economic Revitalization. This Unmet Needs Assessment details the methodology, sources of data, analysis of impacts, and sources of assistance that were factored into determining the estimated amount of monies needed for the remaining disaster related

unmet needs in Boulder County. A summary of the findings are found in Table 1 below, and the complete Unmet Needs Assessment is included and is incorporated as part of this Action Plan as Appendix A. The Unmet Needs Assessment included the entire county, including incorporated areas.

Table 1: Summary of Countywide Estimated Flood Recovery Unmet Need and Percentages

Activity	Unmet Needs Countywide	Percent
Housing Unmet Need (including Buyout/Acquisition)	\$194,552,388	20.97%
Lost Revenue	\$4,064,718	0.44%
Business Unmet Need	\$12,794,124	1.38%
Special Districts	\$895,701	0.10%
Creeks/Watersheds	\$191,627,250	20.65%
Total Infrastructure (PA/HMGP and Resiliency)	\$506,346,523	54.56%
Additional Community Needs	\$9,190,005	0.99%
Planning and Capacity Needs	\$8,501,689	0.92%
Total	\$927,972,398	100.0%

While units of local government in the county have made great progress in repairing roads and bridges and removing more than 60,000 tons of debris, there remains much to do for a full recovery. The county's Needs Assessment determined that there is an estimated \$927,972,398 in disaster-related remaining unmet needs in the county.

As seen from Table 1 above, infrastructure, housing and creeks/watersheds respectively are the greatest unmet needs in the county. Based on FEMA Verified Loss (FVL) data for the county, 11,860 housing units were impacted by the flood. Of the 11,860 damaged housing units, 445 were determined to have Major-to-Severe damage.

Bridges, roads, public and private properties were washed away or destroyed, impacted by land and mudslides, and covered in tons of debris. To further exacerbate the situation, Boulder County's Department of Transportation reported that approximately 200 housing structures had damages to bridges, culverts, and private roads, limiting or completely cutting off access to homes. Aerial photography showed approximately 115 bridges and culverts with visible damage and another 60-plus culverts and access points where the damage could not be assessed (many access points serve multiple homes). Many of these residents remain displaced even in

situations where the house was undamaged but cannot be accessed, and others reach their homes through unsafe temporary foot bridges or by driving through creeks or other risky access and are not accessible for emergency responders. The aforementioned homes damaged or destroyed but not in the floodplain are ineligible for FEMA's HMGP buyout program. However, these residents also remain displaced; many paying both mortgage and rent, with banks threatening foreclosure and several foreclosures are underway already. It is estimated from FEMA data and other sources that the remaining housing unmet needs countywide is over \$194,552,388, 20.97% of the total unmet needs for Boulder County.

Countywide the greatest unmet need is infrastructure. Infrastructure in the county and in its communities, sustained extensive damage from the floods, and much of that damage was to watershed, utility and other activities that are not eligible for FEMA assistance. FEMA through its Public Assistance program assists units of local governments by providing 75% of the costs to repair and replace disaster damaged infrastructure. The State has agreed to provide one-half of the non-FEMA cost share for all communities, and more than that amount for some smaller, heavily impacted communities. The local governments and special districts must fund the remaining balance. Based on the FEMA Project Worksheets completed the remaining unmet needs for infrastructure is estimated to be \$506,346,523, which is 54.56% of the total dollars for unmet needs. Additionally, infrastructure repairs and resiliency projects related to creeks and watersheds have an estimated unmet need of \$191,627,250 which is 20.65% of total unmet needs. Combined, the unmet need is a total of \$698,896,474 or 75% of the total need.

Section 3: Method of Distribution

The Disaster Relief Appropriations Act (P.L. 113-02) requires funds to be used for specific disaster-related purposes. All CDBG disaster recovery activities must clearly address an impact of the disaster for which funding was appropriated. In addition, the regulations require that each activity must be CDBG eligible (or receive a waiver from HUD), meet a CDBG national objective, and address a direct or indirect impact from the disaster in a presidentially-declared county. Per Substantial Amendment #1 (approved by HUD on November 5, 2014), the State has allocated \$63,276,230 of CDBG-Disaster Recovery funding to the county for recovery; however \$18,621,720 has been carved out and will be managed directly by the State Division of Housing for new housing construction projects in Boulder County. Because this was not fully clear in the State's Substantial Amendment, the State has committed to providing an additional amount to the Boulder County sub-allocation in order to address the overwhelming unmet needs, particularly in the area of infrastructure. To this end, this Action Plan will plan for a contracted sub-allocation amount equal to \$63,276,230.

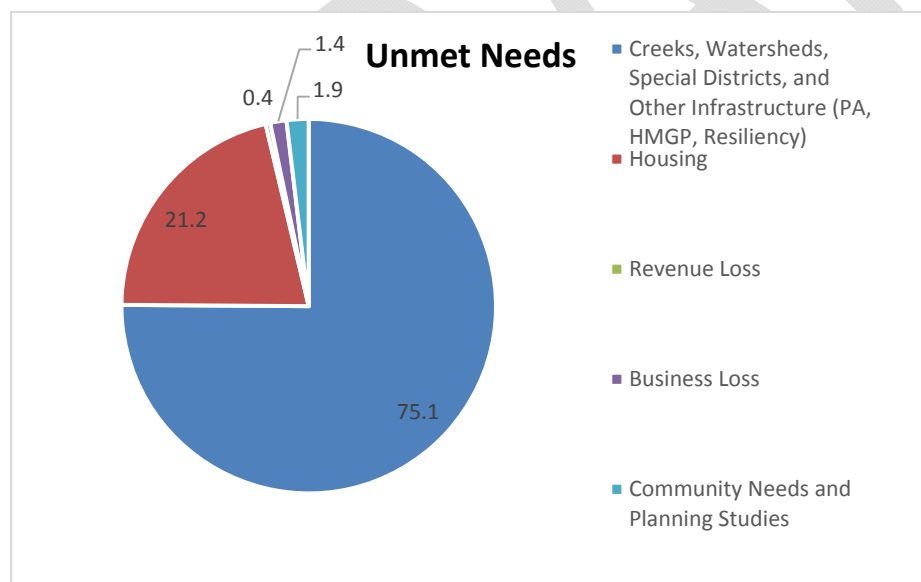
In order to allow for an effective recovery in Boulder County and participating jurisdictions within the county, the Participating Entities in the Boulder County Flood Recovery Collaborative

signed a Disaster Recovery Collaborative Intergovernmental Agreement (Appendix B). The Collaborative, comprised of representatives from each Participating Entity, has been meeting regularly since January 2014 and brings the flood-impacted communities together so that CDBG-DR funds can be distributed in a manner that is strategic, coordinated and collaborative to more effectively address the unmet needs of all the communities in Boulder County. The Collaborative will ensure that all projects funded with these funds will be disaster related and meet all CDBG-DR regulations.

The Intergovernmental Agreement outlines the principles for the management and distribution of CDBG-DR funds. The funding amounts between housing and infrastructure have been determined by the Collaborative Committee after careful deliberations of the needs of the Participating Entities. The Collaborative has reviewed the countywide Unmet Needs Assessment and set the percentage of total dollars to be set-aside for Infrastructure and for Household Assistance projects based on that Unmet Needs Assessment. Chart 1 below shows the unmet needs as found in the countywide Unmet Needs Assessment.

Chart 1

Infrastructure (including special districts, creeks/watersheds, and infrastructure) was cited as the greatest unmet need in the countywide Needs Assessment at 75%, Housing second at 21%,



and Lost Revenue, Business, Planning and Community Needs at less than 4% of the total unmet needs. Since the State's second tranche CDBG-DR funding contributing to the sub-allocation is directed from the Infrastructure and Housing categories and not from Lost

Revenue, Business, Planning and Community Needs, the appropriate percentages to Housing and Infrastructure in this Partial Action Plan, are 78% of funding for infrastructure and 22% for housing.

Since eligible entities can apply to the State for CDBG-DR Planning and Watershed projects and funding to assist businesses and agriculture, the Participating Entities and Lead Agency in the Collaborative will apply competitively for those funds as appropriate.

The Collaborative seeks to ensure that highest priority infrastructure projects for each Participating Entity can be funded. Those projects not funded through the State's competitive programs will be considered under the Collaborative's Infrastructure category.

All Housing and Infrastructure projects selected will be reviewed for CDBG-DR eligibility and national objective compliance. Each project considered and approved by the Collaborative will be disaster related as required in Public Law 113-2 and meet all CDBG-DR requirements.

The Collaborative will review all projects submitted by Participating Entities and prioritize projects for funding according to the method described below and in accordance with the Guiding Principles and Selection Criteria included as Appendix C. As necessary, other criteria may be added to the list by the Collaborative to further refine the prioritization process.

Eligible Activities

INFRASTRUCTURE AND PUBLIC FACILITIES

After reviewing the unmet needs of the county, the Collaborative agreed to set aside up to \$49,355,459 (78%) of the \$63,276,230 allocated to Boulder County by the State for the purpose of Infrastructure projects. The activities below include those activities that are eligible for Infrastructure funding.



Priority Minimum Threshold Projects

Each Participating Entity and the Special Districts as one group, will receive \$250,000 to use as a match for FEMA and other federally funded Public Assistance projects or for other high priority Infrastructure projects that are determined to be CDBG-DR eligible. The total amount allocated to this activity is \$2,250,000.

Eligible Applicants – Participating Entities and the Special Districts, as a whole

Priorities – None

Maximum Grant Amount – \$250,000

National Objective – LMI and Urgent Need

Activity Amount – \$2,250,000

Priority Infrastructure Projects

The remaining funds (\$47,105,459) will be allocated to CDBG-DR-eligible infrastructure projects submitted by Participating Entities to the Collaborative. Each Participating Entity will be asked to submit to the Committee an application for their highest-priority infrastructure projects. The Collaborative will review priority applications for CDBG-DR eligibility and other CDBG-DR requirements. If there is sufficient funding and the overall low-to-moderate income requirement can be met, first priority projects will be



approved. If the low-to-moderate income requirement cannot be met and/or monies are available, the Collaborative will consider funding but also might review the second priority projects, and then third priority, and so on. Those projects that help meet the low-to-moderate income requirement will be given priority.

Housing that is located within a floodway or a floodplain may be purchased as a “buyout” activity under this Infrastructure category intended to reduce risk of future flood impacts to homeowners. Once housing is purchased through the buyout program, the property must be cleared of all structures and placed into open space for perpetuity. In Boulder County, high risk housing is also located in areas that are not in a mapped floodplain but are at high risk of flood or mudslide or pose other health/safety issues. The properties may be purchased through an acquisition activity under this funding category. The Collaborative may consider the use of financial incentives to encourage the households whose property was purchased to continue to re-settle in Boulder County. For the purposes of the unmet needs assessment, these needs were calculated in the housing needs section.

Upon approval by the Collaborative, the Lead Agency will send to the State a description of each project including citation for eligibility, justification of connection to the disaster, national objective, and so on. All projects will meet the requirements of the March 5, 2013 Federal Register Notice, Section VI (A)(2), 78 FR 14329.

Eligible Applicants – Participating Entities, Special Districts can apply through a partnership with the appropriate Participating Entity

Priorities – Local priority Infrastructure projects, with priority given to low-to-moderate income benefit

Maximum Grant Amount – None

National Objective – LMI, LMA and Urgent Needs

Activity Amount – up to \$47,105,459

HOUSEHOLD ASSISTANCE PROGRAMS

Temporary Rental Assistance

The Collaborative will allocate \$250,000 in funds for a Temporary Rental Assistance program for renters and homeowner households that experienced a direct impact from the flood. The determination of assistance will be based on documentation of rent reasonableness and will be for a maximum of two years or \$25,000 in assistance, whichever is less, not to exceed the term of the CDBG-DR funding. Permanent relocation assistance will be undertaken in conformance with the Uniform Relocation Act which requires 42 months of rental assistance and other compliance requirements, when applicable. The national objective to be met with this program is low-to-moderate income (LMI).

Eligible Applicants – Boulder County Housing and Human Services will administer this program countywide.

Eligibility Criteria – Renters and owners who were directly impacted and are considered low-to-moderate income in accordance with HUD's most recent income limits. Evidence of flood-related displacement must be documented by the applicant.

Priorities – Eligible households that are at or below 30% AMI, and persons with disabilities, seniors and those who resided in modular homes or manufactured housing units (MHUs).

Maximum Award Amount – \$25,000, or 24 months of assistance

National Objective – LMI

Activity Amount – \$250,000; unexpended amounts in this activity could be allocated to other Household Assistance programs in Boulder County.

Down Payment Assistance

Many residents lost their homes (single family or manufactured/modular homes) due to the flood. In order to assist these residents, \$1,000,000 is allocated to fund a Down Payment Assistance (DPA) program to assist these residents to purchase a primary residence that meets the minimum Housing Quality Standards and which must not be located in a FEMA designated high-risk area, such as a floodplain. Properties purchased with assistance must be located in Boulder County. The national objective to be met through this program is benefit to low-and- moderate income persons (LMI).



Eligible Applicants – The City of Longmont Housing and Community Investment Division will administer this program countywide.

Eligibility Criteria – Residents who were directly impacted by the flood and whose total household incomes are less than 80% AMI

Priorities – Priority will be given to residents previously residing in damaged or destroyed manufactured housing.

Additional Eligibility Criteria – First-time homebuyers must successfully complete a CHFA-approved homeownership education/counseling program and provide a copy of the completion certification to the DPA program to be eligible for Down Payment Assistance. All households regardless of homeowner status must complete a pre-purchase housing counseling appointment in order to be eligible to receive Down Payment Assistance.

Maximum Award Amount – \$50,000.

National Objective – LMI

Activity Amount – \$1,000,000; unexpended amounts in this activity may be allocated to other Household Assistance programs in Boulder County.

Housing Rehabilitation, Single Family Owner Occupied and Rental

Housing was significantly impacted by the 2013 floods. In order to assist homeowners and landlords to bring back their units or relocate homes from a vulnerable location in a



floodplain to a permanent location outside of the floodplain, \$3,750,000 will be made available for this activity. Single Family Units and rental properties with 1-4 units that suffered direct flood damage are eligible under this program.

Rehabilitation includes renovations necessary for the home to meet the HUD CPD Green Building Retrofit Checklist, and the

City of Longmont's and Boulder County's Single Family Rehabilitation Standards to be used/met respectively in their communities, Assistance to refinance existing indebtedness secured by a property being rehabilitated with CDBG-DR funds and in accordance with 24 CFR 570.202(b)(3) and OMB Circular A-87 C.1.a may also be eligible. Rehabilitation will only be allowed inside the floodplain if the unit after rehabilitation will become eligible for the NFIP and can attain building permits. A property will not be suitable for rehabilitation when the cost to repair the damage exceeds 50% of the pre-flood county appraised value, on a per-house basis. Rehabilitation of non-substantially damaged residential buildings must follow the guidelines specified in the HUD CDP Green Building Retrofit Checklist. Structures that exceed 50% of the flood county appraised value, on a per unit basis, will be reconstructed.

Relocation of single family and modular homes from a vulnerable area to a permanent location outside the floodplains is also an eligible activity under this program. The home to be moved must be in a stable condition in order to participate in this program. These programs will meet the national objectives of low-to-moderate income and urgent need.

Both LMI households and non-LMI households are eligible for Housing Rehabilitation loans or grants. However, 75% of funds are reserved for eligible LMI applicants, and 25% will be available for eligible applicants above the LMI limits. Any household above 80% AMI must qualify under urgent need.

Administering Entities – Boulder County will use \$2,000,000 to administer this program for all jurisdictions outside of Longmont; Longmont's Housing and Community Investment Division will use \$1,750,000 to administer this program for Longmont residents.

Eligible Applicants – Homeowners and landlords who were directly or indirectly impacted by the floods. The homeowner must be the owner of record. Only rental properties with 1-4 units that suffered direct flood damage are eligible for rehabilitation.

Priorities – Efforts will be made to give priority to serving those with disabilities, seniors, those who resided in manufactured housing units that were damaged or destroyed, or low-to-moderate income households that have complete applications.

Maximum Award Amount – \$100,000

National Objective – Urgent Need and LMI

Activity Amount – \$3,750,000; unexpended amounts in this activity may be allocated to other Household Assistance programs in Boulder County.

Clearance and Demolition

The floods left some areas with damage to residential structures that have been abandoned, cannot be restored, or may be in high-risk flood hazard areas. These unsound structures pose health and safety risks to the surrounding community and must be removed in order to promote comprehensive recovery. Applications may be made on behalf of communities that had significant, localized damage and destruction that will require them to acquire several deteriorated buildings located in a slum/blight area for demolition and clearance.

Eligible Applicants – Boulder County will administer \$220,771 of funding for this program countywide.

Eligibility Criteria – Structures that were damaged or destroyed by the flood and pose a health or safety risk.

Priority – None

Maximum Award Amount – \$50,000

National Objectives – Removal of Slum & Blight, Urgent Need

Activity Amount – \$220,771; unexpended amounts in this activity may be allocated to other Household Assistance programs in Boulder County.

Home Access Program

The floods caused damage to many privately owned roads, bridges and culverts, which have not been repaired due to lack of resources or have substandard or temporary access. \$3,000,000 will be set aside to assist homeowners who still do not have access to their homes or evacuation routes, that have only temporary access, or that are eligible for reimbursement for repair of their home access.. Bridges, roads and culverts that provide access to single homes or more than one home are eligible under this activity.



Administering Entities –
Boulder County will administer this program countywide

Eligibility Criteria – Applicant households must demonstrate that their private road, bridge or culvert access was directly damaged by the floods and provides sole access to the target homes.

Priorities – Residents displaced or living in hazardous situations due to lack of access to their homes.

Maximum Grant Amount – \$500,000 per target area

Activity Amount – \$3,000,000; unexpended amounts in this activity will be allocated to other Household Assistance programs in Boulder County.

National Objective – LMI or Urgent Need

ADMINISTRATION

Up to 3% in addition to the total sub-allocation or between \$1,339,632 and \$1,898,286, will be set-aside and used for general program administration to cover costs for oversight of the sub-allocation distribution process, financial oversight of sub-grants to participating jurisdictions, monitoring, and other administrative expenses.

Up to 20% of each project will be set-aside for the individual jurisdictions to use from that project's funding for direct project administration and delivery.

Table 2: Method of Distribution for Program Activities

Program Activity	Round 2 CDBG-DR Funds	Funds Obligated with this Version	Priority	National Objective
INFRASTRUCTURE PROJECTS				
Priority Minimum Threshold Projects	\$2,250,000	\$2,250,000	Local priority projects including match to already approved projects	Urgent Need
Priority Infrastructure Projects	\$47,105,459	\$20,000,000	Local priority projects, projects that benefit low-and-moderate income households or meet an urgent need	Urgent Need or LMI or LMA
HOUSEHOLD ASSISTANCE PROGRAMS				
Temporary Rental Assistance	\$250,000		Households at or below 30% AMI, and persons with disabilities, seniors and those who resided in modular homes or manufactured housing units	LMI
Down Payment Assistance	\$1,000,000	\$250,000	Households who resided in damaged or destroyed modular homes or manufactured housing units	LMI

Program Activity	Round 2 CDBG-DR Funds	Funds Obligated with this Version	Priority	National Objective
Housing Rehabilitation, Single Family Owner Occupied and Rental	\$3,750,000	\$1,500,000	Persons with disabilities, seniors, those who resided in manufactured housing units that were damaged or destroyed, or low-to-moderate income households that have complete applications.	LMI or Urgent Need
Clearance and Demolition	\$220,771		None	Urgent Need or Removal of Slum & Blight
Home Access	\$3,000,000	\$3,000,000	Residents displaced or living in hazardous situations due to lack of access to their homes	LMI or Urgent Need
TOTALS	\$57,576,230	\$27,000,000		
ADMINISTRATION				
General Administration (non-project delivery)	\$1,898,286	\$1,000,000		N/A

Section 4: Federal, State, Local, and Non-Profit Partners, and Sources of Funding to be Leveraged

HUD requires that the State identify other federal, state, local, non-profit and individual sources of funding that may be available to assist with the disaster recovery effort. The Participating Entities have been diligent in seeking any and all resources for assistance in rebuilding, repairing, and increasing resiliency for infrastructure and public facilities, housing, and economic revitalization.

After the floods, the Boulder County Long Term Flood Recovery Group (LTFRG) was created to assist residents that were impacted by the floods. The mission of the LTFRG as stated in their Flood Resource Guide is to “fulfill the unmet needs of residents who faced losses in the

destructive 2013 Flood and help them reach a safe, secure and sanitary situation.” The LTRG provides case management for flood survivors in order to help identify and leverage funding for individual flood victims. They interface with governmental agencies, non-profits and for-profits to obtain additional resources to assist residents.

Several Boulder County jurisdictions have a website documenting the September 2013 flooding disaster and subsequent recovery (see www.bouldercounty.org/flood, www.lyonsrecovery.com and www.longmontcolorado.gov/departments/departments-n-z/public-information/flood-information). Local governments are reporting on impacts from the flood, the assistance received from Federal, State, local, non-profit and individual sources, recovery progress that has been made thus far, and resources available to individuals and others in the community for flood recovery.

Many of the agencies and groups that have collaborated in flood recovery in Boulder County are listed below.

Federal Partners:

- U.S. Department of Housing and Urban Development (HUD)
- U.S. Environmental Protection Agency (EPA)
- Federal Emergency Management Agency (FEMA)
- Small Business Administration (SBA)
- U.S. Army Corp of Engineers (USACE)
- U.S. Fish and Wildlife Service (USFWS)
- U.S. Department of Agriculture (USDA)
- U.S. Congressional Delegation
- Federal Highway Administration (FHWA)
- Natural Resource Conservation Services (NRCS)

State Partners:

- Colorado Recovery Office
- Colorado Department of Local Affairs (DOLA)
- Colorado Division of Homeland Security and Emergency Management (DHSEM)
- Colorado Department of Transportation (CDOT)
- Colorado Division of Reclamation Mining & Safety
- State Historic Preservation Office (SHPO)
- Colorado Parks and Wildlife (CPW)
- Colorado Water Commission Board (CWCBC)
- Colorado Department of Natural Resources (DNR)
- Colorado Division of Housing (CDOH)
- State Legislative Delegation

Local Partners:

- Boulder County Government
- Boulder County Special Districts
- City of Boulder Government
- Town of Jamestown Government
- City of Louisville Government
- City of Lafayette Government
- City of Longmont Government
- Town of Lyons Government
- Town of Nederland Government
- Boulder County Housing Authority
- Longmont Housing Authority
- Boulder Housing Partners
- Boulder County Flood Recovery Permitting and Information Center (FRPIC)

Non-profit Partners:

- Boulder County Long-Term Flood Recovery Group (LTFRG)
- Metro Denver Homeless Initiative
- Salvation Army
- OUR Center
- Emergency Family Assistance Association
- Housing Helpers
- Foothills United Way
- Boulder County Small Business Development Center (SBDC)
- Longmont Community Foundation
- Boulder County Parks and Open Space Foundation
- Habitat for Humanity of St. Vrain Valley
- Flatirons Habitat for Humanity
- Safe Shelter of St. Vrain Valley
- Agape Family Services
- Inn Between

The Participating Entities worked with HUD, FEMA, SBA and other federal agencies to identify available sources of federal assistance for disaster recovery for the residents and public entities of Boulder County. Funding to leverage with CDBG-Disaster Recovery will be pursued by the Participating Entities because of the importance of leveraging limited CDBG-DR funds with other funding sources from all levels, for CDBG-DR funds will not be sufficient to meet the

unmet need for flood recovery. Efforts to seek funding include federal as well as state resources. Further, local jurisdictions have spent budget reserves and have passed voter-approved sales tax and user fees to assist with flood recovery.

As shown in the Unmet Needs Assessment (Appendix A) the following programs have provided and/or will continue providing disaster relief funding:

- FEMA Individual Assistance grants
- FEMA Public Assistance g
- FEMA Hazard Mitigation Grant Program
- SBA Disaster Home and Business Loans
- National Flood Insurance Program payments
- Private insurance
- Federal Highway Administration Emergency Relief Program
- Long-Term Flood Recovery Group Programs
- State program to assist with local share for FEMA PA
- Colorado Water Conservation Board
- Colorado Department of Public Health and Environment

The Participating Entities will continue to seek and leverage additional funding in order to maximize federal disaster relief monies as far as possible. The Collaborative and Lead Agency will ensure that CDBG-DR funds are only used to address funding needs not satisfied by other funding sources, many of which are already providing disaster relief as listed earlier in this section and some of which have already been exhausted or no longer are available.

Section 5: Vulnerable Populations

Public Housing Authorities, HUD Assisted Housing, Emergency Shelters, Transitional and Permanent Housing for the Homeless and Private Market Units Receiving Project Based Assistance Impacted by the Floods

Public Housing – Boulder County has two developments that received damage, including Section 8 housing and a senior-assisted living development. According to the State’s Action Plan, Bloomfield Place, an eight-unit senior assisted living development, received direct damage from the flooding and all residents were evacuated. The residents were displaced for a temporary period, but returned to their units.

Per the State’s Action Plan, the State’s partner agencies in the flood-affected counties made deliberate attempts to contact any voucher holders that were displaced due to the flooding. Of the 36 displaced voucher holders identified, five participants in the flood-impacted counties were permanently displaced. These participants’ units were destroyed and they have relocated. The remaining 31 voucher holders were temporarily displaced. Repairs have been made and the participants were able to return to their units. DOLA received a list of impacted properties

from HUD and also reached out to housing agencies through phone calls and damage surveys in order to determine the impact to public housing. DOLA contacted each property that was impacted to assess any remaining damage. Property repairs have been completed and all residents of the publicly assisted housing have returned to their housing.

Transitional and Permanent Housing for the Homeless/Emergency Shelters – Boulder county is fortunate that there are many agencies that provide transitional housing and other services for persons in need such as the Emergency Family Assistance Association (EFAA) in Boulder, the OUR Center in Longmont, and Sister Carmen Community Center in Lafayette. These agencies also assisted with flood recovery. For example, EFAA provided financial assistance to 211 flooded households, consisting of 319 adults and 204 children. Other agencies which provide services to prevent homelessness and assist the homeless in Boulder County, include but are not limited to the Boulder Shelter for the Homeless, Homeless Outreach Providing Encouragement (HOPE), the Inn Between, the OUR Center, and the Safe Shelter of St. Vrain Valley. The Participating Entities are working closely with these agencies and others to ensure those persons affected by the flood find safe housing, particularly vulnerable populations.

Boulder County has several homeless shelters which are still intact after the floods. The 2014 point-in-time homelessness survey showed that there were approximately 850 homeless people in the county. Between the shelters and other non-profit agencies, the homeless were able to be served with shelter, food, support services, and other programs. Issues during the flooding led to some people being turned away from the emergency shelters, and the City of Longmont paid for Agape Family Services to open their warming center temporarily to address this issue and provide additional shelter to the homeless during the flood. To solve this problem, local government officials and service providers are currently working on an emergency response plan for the homeless and others in need.

Section 6: Other Criteria

Steps the Participating Entities will take to Protect People and Property from Harm and Encourage Construction Methods that Emphasize High Quality, Durability, Energy Efficiency, a Healthy Indoor Environment, Sustainability, and Water or Mold Resistance

The Collaborative is committed to rebuilding safer, stronger and smarter. All CDBG-DR housing activities will incorporate all requirements listed in the 2012 International Building Code (IBC). The American Society of Civil Engineers (ASCE) 24 is a referenced standard in the IBC. Any building or structure that falls within the scope of the IBC that is proposed in a flood hazard area is to be designed in accordance with ASCE 24. Local building codes that are more stringent than the 2012 IBC will be used in the construction specifications for housing activities. In addition, as required by State policies, new construction and substantially rehabbed properties will be built at a minimum base flood elevation (BFE) plus one foot unless the mountainous terrain necessitates additional measures to flood-proof the properties as determined by local code. Administering Entity program staff will inspect CDBG-DR-assisted housing to ensure construction and rehabilitation is in compliance with these standards.

Housing policies will also require that substantial repair and new construction of housing meet Low-Water Landscaping (e.g. Denver Water Board Standards), and one of the following (listed in order of preference):

- Enterprise Community Partners, Green Communities Criteria
- U.S. Green Building Council, LEED for Homes, Silver or above
- The most recently released International Energy Efficiency Codes (IECC)
- U.S. Environmental Protection Agency, Energy Star 2011 for New Homes
- U.S. Green Building Council, LEED for Homes, Certified
- U.S. Environmental Protection Agency, Energy Star for New Homes

Steps the Collaborative Will Take to Prevent Fraud, Waste and Mismanagement

The Collaborative will assess all program policies and procedures from an anti-fraud, waste, and abuse perspective and embed anti-fraud procedures into policies and procedures through the following processes:

1. Analyze paper application files for anomalies, through data analytics supplemented by judgmental sampling.
2. Liaison with Federal, State and local law enforcement authorities.
3. Assess and test selected internal controls, including IT controls.
4. Develop and deliver anti-fraud awareness training to program personnel.
5. Develop content for anti-fraud brochures and posters, including hotline information.
6. Develop and implement policies and procedures for a compliance program including investigative protocols, whistleblower and hotline procedures, and a process to refer matters to local, state and federal authorities.

Program Administration and Capacity

The City of Longmont, as the Lead Agency, will be the program administrator. As the program administrator, the City will be responsible for the expenditure of the funds in compliance with HUD regulations and waivers, and any other State or Federal requirements. The City of Longmont has been a HUD CDBG Entitlement City since 1984 and has the staff and experience to administer the CDBG-Disaster Recovery programs in a compliant manner. Because the City receives an annual allocation of CDBG funds, the city has permanent staff that is very knowledgeable of CDBG laws and regulations and will monitor the programs for compliance with HUD, State, and local laws and regulations. The City will also procure the services of a

consulting firm experienced in CDBG-Disaster Recovery programs to augment staff as needed to implement the programs discussed herein.

To date, the City has never had to return funds to HUD for using federal dollars for ineligible activities. The City has successfully administered the following HUD programs as an entitlement community, with some programs extending throughout the county as evidenced by the following activities:

- Homeowner Rehabilitation Programs
- Housing Counseling, Education, and Outreach
- Home Purchase Programs
- Rental Housing Programs, new construction (with local funding) and rehabilitation
- Homeless Assistance Programs
- Community Investment Programs
- Poverty Reduction Initiatives
- Land and Property Acquisition
- Economic Development Programs including direct small business assistance
- Neighborhood Revitalization

For additional information on the City's capacity, see Appendix F which provides a summary of program accomplishments.

CDBG-DR programs will be staffed with trained case management staff to assist homeowners with rehabilitation, reconstruction, down payment assistance, rental assistance, and other programs. The office will also house project management and construction management staff for oversight and implementation of construction projects. Participating Entities will be provided training and technical assistance on regulations, reporting requirements, payment procedures, and other compliance requirements for funds awarded for Disaster Recovery. All proposed projects will be reviewed for CDBG-DR eligibility and national objective prior to funding. Environmental reviews will be performed for each activity in accordance with HUD regulations prior to any choice-limiting actions taking place.

Other areas to be closely monitored are the flood plain restrictions and duplication of benefits. Funds may not be used for persons who have received previous federal assistance (including loans) where the purchase and maintenance of flood insurance was a requirement, and have since allowed that flood insurance to lapse. In addition, Participating Entities must inform participating property owners of future requirements related to the purchase and maintenance of flood insurance.

As provided by the Stafford Act, duplication of benefits is prohibited. CDBG-DR funds cannot duplicate other funding received for the same purpose, so all sources of funding will be subtracted from project cost to determine available CDBG-DR assistance. Participating Entities

and/or the Lead Agency will complete duplication of benefits reviews for every project. The Lead Agency will continuously monitor activities for compliance. FEMA, NFIP, private insurers, SBA and other agencies will be contacted for third-party verifications to ensure that there is no duplication of benefits occurring within the various programs.

The City will undertake the administrative and monitoring activities to ensure compliance with all applicable laws and regulations.

Monitoring Standards

The City of Longmont will oversee all activities and expenditures of the CDBG-DR funds. Additional personnel and contractors will be procured to assist in the implementation of the Disaster Recovery programs. Not only will these personnel remain involved in ensuring that there are layers of financial control, they will also provide technical assistance to the Participating Entities, and undertake administrative and monitoring activities to ensure compliance with applicable requirements, including but not limited to fair housing, nondiscrimination, labor standards, environmental regulations, procurement regulations at Part 85, etc.

To maintain a high level of transparency and accountability, the Disaster Recovery program will apply a strategy for monitoring projects through desk reviews, site visits, and checklists modeled after HUD's Disaster Recovery Monitoring Checklists. The primary purpose of the City's monitoring strategy is to ensure that all projects comply with applicable federal regulations and are effectively meet their stated goals. The monitoring process will focus on program and financial compliance and will include desk reviews and onsite monitoring by the City, consultant staff and independent auditors. The results of monitoring activities will be documented by the Lead Agency, who will in turn be monitored by the State.

Anti-Displacement

All Participating Entities of the Collaborative already have adopted an Anti-Displacement and Relocation Plan. The Participating Entities plan to minimize displacement of persons or entities and assist any person or entity displaced as a result of implementing a project with CDBG-DR funds. However, this is not intended to limit the ability of the Participating Entities to conduct buyouts or acquisitions for destroyed and extensively damaged or at risk units. The Collaborative plans to exercise the waivers set forth in the March 5, 2013 Federal Register (78 FR 14329) pertaining to the Uniform Relocation Act and the Housing and Community Development Act given the priority to engage in voluntary acquisition and optional relocation activities to avert repeated flood damage and to improve flood plain management. The program policies and procedures will ensure that the assistance and protections afforded to any persons or entities under the Uniform Relocation Assistance and Real Property Acquisitions

Policies Act (URA), as amended and Section 104(d) of the Housing and Community Development Act of 1974, as amended are provided under the CDBG-DR programs.

Citizen Participation

Citizen participation is an essential component of the countywide planning effort. The Collaborative strongly encourages public participation in identifying the Participating Entities' unmet needs and solutions to meet those needs. Citizens and other interested parties will be provided an opportunity for reasonable and timely access to information relating to the Boulder County Collaborative's Partial Action Plan and the use of the CDBG-DR funds under the Disaster Recovery Program.

The Boulder County Collaborative Community Development Block Grant Disaster Recovery Citizen Participation Plan is attached as Appendix D. In addition, the following Minority Outreach will be undertaken:

- Announce all public hearings to organizations that represent minorities and persons with disabilities at least 10 days prior to the public hearing date(s).
- Include a statement in notices of public hearings indicating that participants in the hearings may request language interpretation to assist in their participation.
- Include a statement in notices of public hearings that locations of the meetings are accessible to persons with physical disabilities.
- Include a statement in notices of public hearings that participants can request reasonable accommodations from the City to participate in the public meetings.
- Notify organizations that represent minorities that every reasonable effort will be made to translate documents including having documents on the city's website translatable using "Google Translate".

The Partial Action Plan has been posted on Participating Entities' websites in both English and Spanish, and the Collaborative invites all interested persons to attend either of the public hearings to be held on March 12 in Boulder (Boulder County Courthouse, 4:30 – 5:30 pm), on March 17 in Longmont (Longmont Civic Center, 5:30 – 6:30 pm), or on March 31 in Jamestown (Jamestown Town Hall, 5:30-6:30), or April 1 in Lyons (Lyons Town Hall, 6:30-7:30). See Attachment E for additional ways for comment on the Partial Action Plan. If unable to attend, interested parties may email or mail comments by April 20, 2015. The email address and mailing address follows:

Email: sally.raney@longmontcolorado.gov

Mailing Address: Housing and Community Investment Division, Longmont Civic Center Complex, 350 Kimbark Street, Longmont, CO 80501

Email: lirwin@bouldercounty.org

Mailing Address: Boulder County Commissioners, Old Boulder County Courthouse, 1325 Pearl Street, Boulder, CO 80302

Non-English speaking individuals and individuals with disabilities that require accommodations to participate in public meetings or that need to request auxiliary aids and services necessary for participation in the planning of the county's recovery from the floods should contact the following:

Para información en español, puede llamar a Virginia al (303) 651-8444.

TDD/TTY Communication is available via the Colorado Relay system at 1-800-659-3656.

Comment Period

Public hearings to receive public comment on the Partial Action were held on March 12, March 17, March 31, and April 1, 2015. Minutes of the hearings are attached as Appendix F. In addition, a formal thirty (30)-day public comment period was opened on March 20, 2015 for citizen review and comment on the Partial Action Plan. A news release announcing the comment period and public hearing was sent to the media countywide. Notices were also sent to all the Participating Entities for posting or publicizing. Notice was placed in the Longmont Daily Times-Call and the Boulder Daily Camera. Notices were also posted on Longmont, Louisville and Boulder County's websites.

Comments were submitted via email and regular mail. Comments were accepted until April 20, 2015.

Summary of Public Comments and Responses

[This section will be completed following the public comment period.]

List of Appendices:

Appendix A: Boulder County Unmet Needs Assessment

Appendix B: Boulder County Collaborative Intergovernmental Agreement

Appendix C: Guiding Principles and Selection Criteria

Appendix D: Boulder/Broomfield Regional Consortium Citizen Participation Plan

Appendix E: Public Notices

Appendix F: Public Comment Summary

Appendix G: Summary of Longmont's CDBG Program Accomplishments

DRAFT

APPENDIX A

BOULDER COUNTY UNMET NEEDS ASSESSMENT

Executive Summary

Boulder County, Colorado, experienced a catastrophic flood event from September 11th, 2013 through September 15th, 2013. Beginning September 9th, more than 17 inches of rain fell along the Colorado Front Range. This was an historic event and the rainfall triggered flash floods across Boulder County and the surrounding region. The volume of water in the St. Vrain Creek was ten times its normal amount by the evening of September 11th, 2013. [Add other creek flood amounts]

This disaster was unlike past disasters in Boulder County according to the Boulder County *Flood Recovery Resource Guide, Spring 2013*. Rivers and creeks selected new paths as water rushed down the mountains. The Guide states that properties were washed away or covered in tons of debris, access for many homes was destroyed, and debris continues to clog many of the waterways. The impacts from the flood have left Boulder County much more vulnerable to future flood events as drainages and watersheds that have historically absorbed and slowed down runoff during the spring thaws and heavy rains are now depleted and unable to serve this function.

The Department of Housing and Urban Development (HUD) has issued three allocations of Community Development Block Grant – Disaster Recovery (CDBG-DR) funding for the State of Colorado. The CDBG-DR funds are provided for the “purpose of assisting recovery in the most distressed areas in Colorado”. The first allocation of \$62,800,000 was published in the December 16, 2013 Federal Register (78 FR 76154) and the second allocation of \$199,300,000 was published in the June 3, 2014 Federal Register (79 FR 31964). The third allocation \$58,246,000 was published in the January 8, 2015 Federal Register (80 FR 1039). HUD’s total CDBG-DR allocations to Colorado come to \$320,346,000. Per the Federal Register Notices, the State of Colorado must expend at least 80 percent of these funds (\$256,276,800) in the most impacted counties of Boulder, Weld, and Larimer with the remaining funds to be spent in other counties having a declared major disaster in 2011, 2012, or 2013.

HUD requires recipients of CDBG-DR funds to assess both direct and indirect impacts from disasters and conduct an “unmet needs” assessment for the three major categories of Housing, Infrastructure, and Economic Revitalization. Boulder County has hired an independent disaster recovery consulting firm to conduct a comprehensive unmet needs assessment approximately one year after the 2013 flood to assess remaining unmet needs. This document details the methodology, sources of data, analysis of impacts, and sources of assistance that were factored into determining that an estimated **\$927,972,398** of unmet disaster related need continues to exist in Boulder County.

HOUSING NEEDS

The flooding in September 2013 caused tremendous damage to homes and property in Boulder County. Many residents forced from their homes during the initial flood still find themselves displaced. After the flood waters receded, homes were evaluated and residents were faced with the need to repair and

rehabilitate their dwellings, find ways to access their properties, and in some cases make the difficult decision that homes could not be repaired or rebuilt.

More than 11,800 properties sustained flood damages throughout the County and another 200 properties had damage to their private roads, bridges, or culverts. Based on the FEMA data, 3712 impacted families are LMI households.

Finding short-term or long-term housing solutions is a challenge for Boulder County and its communities. Affordable housing for low and very low income families is a huge need for these communities. Communities throughout Boulder County reported needs estimated at approximately \$194 million in unmet housing needs.

INFRASTRUCTURE NEEDS

Boulder County experienced massive infrastructure damage in September 2013 as a result of record rainfall in the foothills of the Rocky Mountains. For the purpose of this assessment, the term infrastructure is intended to include traditional infrastructure, watershed, and agricultural projects. As the water worked its way down the mountains, the volume and velocity of water rushing through the St. Vrain Creek, Boulder Creek, South Boulder Creek, Little Thompson River, Four Mile Creek, Four Mile Canyon Creek, Gold Run, and Left Hand Creek channels increased immensely. The extreme volume and speed caused substantial damage to the river and creek channels, as floodwaters rechanneled and breached the bank in multiple locations. Timber, vegetation, material from damaged structures, and debris were deposited in and alongside the river, creating additional immediate hazards to life and safety during the flood and causing an increase in future flood risk by reducing the channel capacity.

The flood also impacted electrical services throughout Boulder County. Customer's experienced sustained outages that began during the early moments of the flood and lasted approximately four days until the electrical companies could gain access and make repairs. Floodwaters did reach various wastewater treatment plants in cities in Boulder County causing service interruptions for two or more days and requiring resiliency and recovery projects to protect the sites from future damages.

Funding from the FEMA PA program helps communities recover by providing a percentage of federal reimbursement for eligible, disaster-related costs for debris removal, emergency measures, and permanent work to repair and replace disaster-damaged public facilities. The cities within Boulder County have worked with FEMA to develop Project Worksheets (PWs) to repair damages caused by the September 2013 flood. The Presidential decision for this disaster was a federal 75% cost share. The State of Colorado has agreed to provide one-half or more of the non-FEMA cost share, leaving the local communities responsible for the remaining total of FEMA project cost. After factoring in almost \$250 million in other resources, the County's unmet need remains at over \$506 million dollars.

SPECIAL DISTRICTS AND WATER CONSERVANCY DISTRICTS

An Unmet Needs Survey conducted among the Special Districts within Boulder County in October, 2014. Subsequent to the survey responses received in October and November, 2014, the Boulder County Collaborative has received updated information concerning any unmet needs within these districts.

Special Districts in Colorado are local governments, i.e., political subdivisions of the state, which make up a third level of government in the United States. (The federal and state governments are the other two levels.) Local governments include counties, municipalities (cities and towns), school districts, and other types of government entities such as "authorities" and "special districts." Colorado law limits the types of services that county governments can provide to residents. Districts are created to fill the gaps that may exist in the services counties provide and the services the residents may desire. The majority of districts draw their boundaries in unincorporated county land, but residents of a municipality may be included in one or more districts.

The current unmet need is almost \$900,000 and comprises the funds needed to cover the local share of the FEMA PAs.

CREEKS/WATERSHEDS

Boulder County created a Comprehensive Creek Plan Initiative (CCP) to address watershed recovery. The CCP was initiated to ensure county-wide view of creek recovery and restoration. The CCP began with community meetings to identify needs resulting from the flood. First steps started with high-hazard debris removal and mitigation projects. The CCP then prepared for and transitioned to watershed-level master planning process. Collaboration was formed among the Coalition Partners¹, community members, landowners, and stakeholder interests.

Unmet need has been based on an overview of the watershed master plans: St. Vrain Creek, Boulder Creek, South Boulder Creek, Left Hand Creek, Four Mile Creek, and Little Thompson River. The Planning Areas of each Master Plan are divided into a number of reaches along the length of the watersheds to facilitate planning and discussion. These plans contain numerous repair and resiliency measures and alternatives. River restoration projects which might be considered in terms of providing improved repair and resiliency include the relocation of structures from the floodplain, single span bridge replacements of existing culverts, expanding the riparian corridor with native vegetation, revised floodplain regulations, and increased set-backs, among a variety of other actions.

Due to the extensive nature of the damages to the Boulder County creeks and watersheds including the costs associated with staffing these activities, an unmet need of more than \$191 million still remains. The State of Colorado has allocated \$25 million of its Round 2 CDBG-DR funds for the Watershed Resilience Pilot Program. However, these funds are inadequate to meet the need and are available state-wide on a competitive basis with no guarantee that unmet needs listed in this document will receive funds from this program.

BUSINESS AND ECONOMIC NEEDS

The September 2013 flood caused wide-spread disruption to the operations of local businesses throughout Boulder County with physical damage to buildings, inventory and equipment loss, and

¹ Partners include: Boulder County, City of Longmont, City of Boulder, Town of Lyons, Town of Jamestown, St. Vrain and Left Hand Water Conservancy District, Longmont and Boulder Valley Conservation Districts, Left Hand Water District, Arapaho and Roosevelt National Forests and Pawnee National Grassland, Keep It Clean Partnership, Natural Resources Conservation Service, Colorado Water Conservation Board, Colorado Department of Transportation, Colorado Division of Homeland Security and Emergency Management, Colorado Division of Reclamation Mining & Safety, FEMA, and the Environmental Protection Agency

revenue loss both during and after the flood. The effect of the flood was not contained solely to businesses within the flood zone, as road closures, power outages, and flood-related duties prevented employees and customers alike from reaching businesses.

The three most impacted business communities were in the city of Boulder, the city of Longmont and the town of Lyons. Of the 349 business that applied for federal small business loans, 315 (90%) were from these three communities. Out of the 83 small agriculture applicants, 76 (92%) were from these three communities, with over half (42) from Lyons alone. The city of Boulder's non-profits made up 75% (38) of applicants in the non-profit category. Unmet Need was estimated based on the number of businesses, small agriculture, and non-profits who applied for loans but were not funded. There were a total of 265 unfunded applications with an estimated over \$12 million in unmet need.

PLANNING AND CAPACITY NEEDS

Due to the extensive damages to the county's housing, infrastructure, and businesses, comprehensive needs assessments and planning studies are needed to ensure that the CDBG-DR funds are distributed in accordance with need and that best designs are implemented to provide for long-term recovery and increased resiliency to future disasters. The county has identified approximately \$8.5 million in unmet need for planning and capacity needs.

LOST REVENUE

All properties within the State of Colorado require standards of construction. In the Boulder County, Boulder, and Longmont area, construction standards are higher than some other parts of the State due to wind and snow load requirements to keep a building structurally safe. The State relies on local government to enforce these regulations.

Waived fees, lost rent, and relocation costs meant reduced general fund revenue resulting in an unmet need of approximately \$ 4 million.

OTHER COMMUNITY NEEDS

The final category of unmet needs relates to the projects that several Boulder County communities need to recover beyond just damage repairs and resiliency but also be made strong community once again. These additional needs total more than \$9 million.

CLIMATE CHANGE AND RESILIENCY

Each grantee must describe the science-based risk analysis it has or will employ to select, prioritize, implement, and maintain infrastructure projects or activities. At a minimum, the grantee's analysis must consider a broad range of information and best available data, including forward-looking analyses of risks to infrastructure sectors from climate change and other hazards.

The State of Colorado has been very proactive in undertaking comprehensive risk analysis with an emphasis on regional and statewide approaches. The recent report, *Climate Change In Colorado*, is a synthesis of climate science relevant for management and planning for Colorado's water resources. The

data was gathered through focuses on observed climate trends, climate modeling, and projections of temperature, precipitation, snowpack, and streamflow.

Grantees are required to identify and implement resilience performance standards. To meet these HUD requirements, costs for projects may increase substantially. According to HUD, the “resiliency” amount is “calculated at 30 percent of the total basic cost to rebuild back the most distressed homes, businesses, and infrastructure to pre-disaster conditions.”²

Table 3: Summary of County-Wide Estimated Flood Recovery Unmet Need and Percentages

Activity	Unmet Needs County-Wide	Percent
Housing Unmet Need (including Buyout/Acquisition)	\$194,552,388	20.97%
Lost Revenue	\$4,064,718	0.44%
Business Unmet Need	\$12,794,124	1.38%
Special Districts	\$895,701	0.10%
Creeks/Watersheds	\$191,627,250	20.65%
Total Infrastructure (PA/HMGP and Resiliency)	\$506,346,523	54.56%
Additional Community Needs	\$9,190,005	0.99%
Planning and Capacity Needs	\$8,501,689	0.92%
Total	\$927,972,398	100.00%

Note: The complete Draft Boulder County Unmet Needs Assessment can be accessed through the following link: _____

² *Second Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Disasters Occurring in 2013*, June 3, 2014, Federal Register, Vol. 79, No. 106

APPENDIX B

INTERGOVERNMENTAL AGREEMENT

COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY COLLABORATIVE INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT (“Agreement”) is made and entered into this _____ day of _____, 2015, by and between Boulder County, the cities of Boulder, Lafayette and Louisville, the towns of Lyons, Jamestown and Nederland and the City of Longmont (“Longmont” or the “Lead Agency”) (collectively the “Participating Governments”),

RECITALS

WHEREAS, the Department of Housing and Urban Development (“HUD”) Community Development Block Grant Disaster Recovery (“CDBG-DR”) Program has appropriated funds for disaster assistance and is distributing appropriated funds to the State of Colorado; and

WHEREAS, the State of Colorado has determined it is in its best interest to sub-allocate CDBG-DR Program funding to the City of Longmont, the Lead Agency for the Participating Governments named above, to administer such federal funds, subject to certain conditions, for the purpose of completing public works, infrastructure and housing projects to aid in the recovery of our communities from the September 2013 flood for the second phase, or Round 2, of CDBG-DR funding; and

WHEREAS, the State of Colorado entered into separate CDBG-DR Housing Grant Agreements with Boulder County for \$2,500,000 in September, 2014, and with the City of Longmont for \$2,750,000 for the first phase, or Round 1, of CDBG-DR funding, and those funds are separately administered by Boulder County and the City of Longmont, respectively, and are not subject to this Agreement; and

WHEREAS, the Participating Governments and the Lead Agency recognize the need to address the flood impacts and recovery of our communities in a coordinated and collaborative way ensuring that the unmet needs of our residents and our communities resulting from the flood are addressed in a logical, productive and locally determined fashion, and have determined that it will be mutually beneficial and in the public interest to enter into this Agreement to accept this funding and lay out principles around the management and distribution of the CDBG-DR Program funding; and

WHEREAS, the Participating Governments and Lead Agency are authorized to enter into cooperative agreements pursuant to the Colorado Constitution, Article XIV § 18, and § 29-I-203, C.R.S.

NOW THEREFORE, in consideration of the mutual covenants and promises contained in this Agreement, the parties mutually agree to the following terms and conditions.

I. DEFINITIONS

For the purpose of this Agreement, the following terms shall have the meanings provided in this section:

“Disaster Act” means the Disaster Relief Appropriations Act, 2013 (Pub. L. 113-2) appropriating funds for the purpose of assisting recovery in the most impacted and distressed areas declared a major disaster event in calendar years 2011, 2012 and 2013.

“HCD Act” means Title I of the Housing and Community Development Act of 1974, as amended,

Stafford Act” means the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974.

“CDBG-DR” means the Community Development Block Grant – Disaster Recovery funding provided to the Collaborative through an Intergovernmental Agreement between the City of Longmont acting as the Lead Agency and the State of Colorado.

“Committee” means the Collaborative Committee made up of representatives from each Participating Government that will review project proposals and recommend funding options/scenarios to the Collaborative.

"Collaborative" means the Participating Governments and Lead Agency acting as a collective, pursuant to this Agreement as the Boulder County Flood Recovery Collaborative.

"Lead Agency" means the one member unit of general local government designated to act in a representative capacity for itself and the Participating Governments for the purposes of implementing the CDBG-DR Program and Regulations. The Lead Agency shall assume overall responsibility for ensuring that the CDBG-DR Program is carried out in compliance with the requirements of 24 CFR Part 570 and all Federal Register Notices pertaining to CDBG-DR funds appropriated by the Disaster Act, 2013 (Pub. L. 113-2), including requirements concerning eligibility, meeting a national objective and others outlined in the agreement with the State of Colorado. The lead agency for the Collaborative shall be the City of Longmont.

“Participating Governments” means Boulder County, the cities of Boulder, Lafayette, Longmont and Louisville, and the towns of Lyons, Jamestown and Nederland.

"Regulations" means the rules and regulations promulgated pursuant to the HCD Act, the Stafford Act and the Disaster Act, including all Federal Register Notices relevant to the Disaster Act and the CDBG regulations, including but not limited to 24 CFR Part 570.

“State Agreement” means the CDBG-DR Grant Agreement between the State of Colorado, Department of Local Affairs (“DOLA”), and the City of Longmont, as Lead Agency, for disbursement of CDBG-DR Round 2 funds.

II. TERM

a. Term. The term of this Agreement begins on the date of the last signature affixed hereon and shall continue for a period of three years until May 1, 2018 ("Initial Term"); provided however that this Agreement shall further remain in effect during the period necessary to complete all eligible activities funded during the term of the State Agreement, and any extensions of the State Agreement. Collaborative members are prohibited from withdrawing from the Agreement during this Initial Term.

This Agreement shall automatically be renewed for one year periods if necessary to comply with the State Agreement and to ensure the Collaborative's participation in successive funding periods (Round 3 and/or succeeding or additional funding Rounds with funding made available and agreed on to pursue or accept by the Collaborative) from the State. The Lead Agency shall notify each Participating Government in writing of its right to decide not to participate in the Collaborative for the next funding period. If a Participating Government decides not to participate in the Collaborative for the next funding period, the Participating Government shall notify the Lead Agency within 30 days after the date of the Lead Agency's notification. If a Participating Government fails to notify the Lead Agency that it is withdrawing from the Collaborative, the Participating Government shall be deemed to have consented to the renewal of this Agreement. The automatic renewal of the Agreement will not be binding upon a Collaborative member if the Lead Agency fails to notify a Collaborative member as required under this automatic renewal provision.

The Lead Agency shall provide a minimum of thirty (30) days advance written notice to each Participating Government of any new funding periods. Notice shall be sent by the Lead Agency to the following:

Commissioners' Deputy Boulder County Commissioners PO Box 471 Boulder, CO 80306	Town Manager Town of Lyons 432 5 th Avenue Lyons, CO 80540
City Manager City of Boulder 1739 Broadway 3 rd Floor PO Box 791 Boulder, CO 80306	Mayor Town of Jamestown PO Box 298 Jamestown, CO 80455
City Manager, City of Lafayette Lafayette, CO	Town Administrator Town of Nederland 45 W. 1st St., PO Box 396 Nederland, CO 80466
Deputy City Manager City of Louisville 749 Main Street Louisville, CO 80027	

b. Termination. Participating Governments may withdraw from this Agreement in the following circumstances:

1. If a Participating Government has received its anticipated funding and completed its obligations under this Agreement, the Participating Government may voluntarily withdraw upon 30 days written notice to the Lead Agency. The Participating Government will be required to complete its responsibilities under Section V. of this Agreement before being released from this Agreement.
2. If a Participating Government objects to the manner in which the Collaborative is administering this Agreement, the Participating Government shall first notify the Collaborative of its objection and seek to resolve its differences with the Collaborative. If the Participating Government is unable to resolve its differences with the Collaborative, the Participating Government may withdraw from this Agreement upon 30 days written notice to the Lead Agency. After withdrawal, the Participating Government shall continue to be bound by the provisions of Section V. concerning reporting obligations to the Lead Agency and Disallowed Expenditures. This Agreement shall continue as to all remaining Collaborative members if a Participating Government withdraws.
3. This Agreement will terminate if a majority of the members of the Collaborative vote to terminate. In such event the Agreement shall remain in effect until the CDBG-DR funds from each of the contracted Funding Rounds are expended on eligible activities.

c. Termination Notices. Notices of termination or non-renewal, if any, shall be sent to the Lead Agency. Notices to the Participating Governments shall be sent to the addresses above in Section II.a. Notices to the Lead Agency shall be sent to: Housing and Community Investment Manager, City of Longmont, 350 Kimbark Street, Longmont CO 80501.

III. FUNDING

a. Allocating CDBG-DR Program Funding. The Committee will develop a Partial Action Plan for submission to the State, including obtaining public comment. Except as provided in Section IV of this Agreement, after review and approval of the Partial Action Plan by the State, the Committee will determine the specific allocation of funds for specific Housing Assistance and Infrastructure projects of the Participating Governments and rank such projects from first priority to last priority. In developing the Partial Action Plan and determining the specific allocations to the Collaborative members, the Committee shall focus on the following items: Percentage of Damage, Unmet Need and Guiding Principles as described in more detail below. Special rules for allocation of Housing Development funds are provided in paragraph c, below.

b. Housing Assistance Programs. Boulder County will administer Housing Assistance Programs providing individual assistance to households impacted by the flood for all the Boulder County communities, except Longmont. Longmont will administer Housing Assistance Programs for its residents, except it will continue to administer the Down Payment Assistance Program countywide. Funding priorities for the Housing Assistance Programs will be presented by Boulder County and Longmont to the Committee for review and approval and will stay within the Housing and Infrastructure percentages outlined and approved in the Unmet Needs Assessment. Program delivery costs up to 20%

of each program amount will be allowed to come from the program funding.

c. **Housing Development Projects.** New construction housing development projects will not be included in the Partial Action Plan submitted to the State for CDBG-DR Phase 2 funding. The State intends to directly administer funds for new housing construction within Boulder County.

d. **Infrastructure Projects.**

1. **Percentage of Damages.** A percentage of damages will be assessed to each Participating Government and every attempt shall be made to ensure that each Participating Government receives funding for projects in approximately their percentage of the damages impacting their community. The percentages and approximate funding levels set out below represent the estimate of funding for each Participating Government the Collaborative will attempt to reach subject to the need to comply with the following overriding requirements of the CDBG-DR program: project eligibility, meeting low/moderate income benefit percentages, being able to start and complete a project within the required time frame allowed, etc.

Community	Total Damages	Percent of Damages
Boulder County	\$127,877,792	52.2%
City of Boulder	\$16,636,348	6.8%
Jamestown	\$5,787,347	2.4%
Lafayette	\$908,305	0.4%
Longmont	\$53,308,102	21.5%
Louisville	\$4,177,830	1.7%
Lyons	\$35,700,615	14.6%
Nederland	\$656,589	0.3%
Total	\$245,053,928	100%

2. **Unmet Need.** The Committee will also review and consider the Unmet Need, as determined by the Collaborative's consultant, for each Participating Government. Every attempt shall be made to ensure that each Participating Government receives funding for projects to address their Unmet Need.
3. **Guiding Principles.** The Committee will also review and consider the Guiding Principles developed by the Collaborative, and will make every attempt to ensure that each Participating Government receives funding for projects in accordance with the Guiding Principles, which are attached to this Agreement as Exhibit A, and by this reference made a part of this Agreement.

The actual amount of funding will be determined based on the prioritization of projects by the Committee. The Committee will review projects submitted by the Participating Governments and will discuss and prioritize projects and determine funding for projects based on the above criteria. The Committee shall also consider strategic priorities,

programmatic requirements (i.e. CDBG-DR eligibility and national objective achievement), project readiness, and administrative burden.

4. **Award to Special Districts.** The Committee may also allocate funds to projects that wholly or partially benefit the special districts shown in Exhibit B (the “Special Districts”). The Participating Governments recognize that projects of the Special Districts may provide community benefits and be consistent with the principles behind this Agreement. Any Participating Government may submit a project for consideration to the Committee that includes one of the Special Districts as a participant or wholly benefits one of the special districts.

5. **Matching and Leveraging Funds.** Each Participating Government and the Lead Agency shall be responsible for identifying additional funding resources and submitting the applications required to those funding resources in order to provide matching and/or additional funds when a project cannot be fully funded with CDBG-DR funding.

e. **Distribution and Management of CDBG-DR funds.** Each Participating Government will be responsible for managing the project awarded according to all the CDBG-DR requirements in 24 CFR Part 570 (i.e. Procurement, Environmental Review, Davis-Bacon and Labor Standards, Fair Housing, etc.). Each Participating Government may establish its own procedures for contracting, expenditure and monitoring of funds, provided those procedures are consistent with CDBG-DR requirements and that the Participating Government complies with the requirements of Section V of this Agreement.

If a Participating Government has not committed (under contract) all of its allocated CDBG-DR funds within 12 months of project award, the Lead Agency shall reclaim the funding and award the funds to the next highest ranking priority project that can get under contract within 6 months. If that is not possible, the Committee shall reallocate the CDBG-DR funds to projects already approved for funding by the other Participating Governments, either through a pro-rata share to the Participating Governments based on their estimated funding allocation schedule set forth in Section III.d.1. or for one or more distinct projects as nominated and approved by the Committee. Any of these funding scenarios are with the caveat that the Participating Governments to which the funds are allocated can assure that it can commit the CDBG-DR funds within the required 6 month timeframe. It is anticipated that any funds in the State Agreement that are not expended within 24 months of the date of the State Agreement will be recaptured by the State.

f. **Administrative Set Aside.** The Lead Agency will be entitled to the entire general administrative set aside under the State Agreement to cover the general administrative responsibilities of managing this State Agreement and ensuring compliance with the CDBG-DR program and the State Agreement. Each project will be allowed up to 20% of the award for the Participating Government to use to cover its project delivery costs.

g. **Program Income.** Program Income as defined at 24 CFR 570.504 generated by a Participating Government will be held by each Participating Government that is a CDBG entitlement jurisdiction in a separate account specific to the CDBG-DR Program. Program Income generated by a Participating

Government that is not a CDBG entitlement jurisdiction will be returned to the Lead Agency and will be used and programmed for flood recovery work eligible under the CDBG-DR program until this Agreement is terminated. Program Income received after the Agreement ends can be used by the Participating Government that is an entitlement community for any CDBG eligible use and the Lead Agency will place program income generated by non-entitlement jurisdictions in the Countywide Down Payment Assistance Program account to be used throughout the County for Down Payment Assistance. Appropriate documentation of the receipt and use of program income during the term of this Agreement will be provided to the Lead Agency in a format to be determined by the Lead Agency.

IV. LEAD AGENCY RESPONSIBILITIES

a. Legal Liability and Responsibilities. Subject to the provisions of this Agreement,, the Lead Agency is authorized to act in a representative capacity for all of the Participating Governments for the purpose of the State Agreement and the Lead Agency assumes overall responsibility for ensuring that the Collaborative's CDBG-DR Program is carried out in compliance with the HCD Act, the Stafford Act and the Disaster Act as described in Section I.. The Lead Agency will be the governmental entity required to execute all grant agreements received from the State of Colorado pursuant to the Collaborative's request for CDBG-DR funds. The Lead Agency will have full responsibility for the execution of the CDBG-DR Program. The Lead Agency will be responsible for the Collaborative's information submittals, Project Funding Plan, when required, and for meeting the requirements of other applicable laws, overall administration, and performance of the CDBG-DR Program, including the CDBG-DR projects and activities to be conducted by the Participating Governments. The Lead Agency assumes overall responsibility for ensuring the Collaborative's CDBG-DR Program is carried out in compliance with the requirements of the Program.

b. Eligibility Review and Compliance Monitoring. The Lead Agency's supervisory, program and administrative obligations to the Participating Governments shall be limited to the performance of the administrative and program tasks necessary to make CDBG-DR funds available to the Participating Governments, to determine eligibility and to provide monitoring to various projects funded with CDBG-DR funds to ensure that they comply with applicable Federal laws and regulations.

c. Reporting Requirements. The Participating Governments will provide the Lead Agency with regular monthly or quarterly activity reports of CDBG-DR funded projects, as required by the State in the State Agreement . The Participating Governments shall, on a regular reporting cycle, provide the Lead Agency with reports that capture and identify program income derived from the CDBG-DR funded activities.

V. PARTICIPATING GOVERNMENTS' RESPONSIBILITIES

a. Project Submissions. The Participating Governments shall prepare and submit to the Committee their project plan submissions in the format to be provided by the Lead Agency.

b. Reporting Requirements. The Participating Governments shall prepare and submit to the Lead Agency for consolidation into one report the following reports, if applicable, for submission to HUD according to applicable deadlines: Impediments to Fair Housing, Citizen Participation Plan, Minority Business Enterprise/Women's Business Enterprise reports, Labor Standards and Davis-Bacon reports, federal cash transaction reports, and annual project or performance reports such as what is needed for the DRGR reports as well as preparing and submitting any other reporting requirements that are required by DOLA.

c. Lead Agency and Participating Government Cooperation. The Lead Agency shall cooperate and work with the Participating Governments in the preparation of detailed projects and other activities to be conducted or performed within the Participating Government during the period this Agreement is in effect. The Participating Governments shall cooperate with the Lead Agency.

d. Authorization to Submit Required Documents. By executing this Agreement it is acknowledged that the Lead Agency has the authority to submit on behalf of the Collaborative to the State all required documentation needed to obtain the sub-allocation of funding (including the Boulder County Action Plan), obtain the Agreement with the State to receive and administer the Boulder County CDBG-DR funding, and maintain compliance with the State Agreement.

e. Disallowed Expenditures. The Participating Governments assume full responsibility for payment of CDBG-DR expenditures made in their jurisdictions that are disallowed by the State of Colorado, except if payments were made at the direction of the Lead Agency, in which case the Lead Agency shall share responsibility.

VI. MISCELLANEOUS PROVISIONS

a. Indemnification. Each party assumes responsibility for the actions and omissions of its agents and its employees in the performance or failure to perform work under this Agreement. It is agreed that such liability for actions or omissions of its own agents and employees is not intended to increase the amounts set forth in the Colorado Governmental Immunity Act, now existing, or as may be amended. By agreeing to this provision, the parties do not waive nor intend to waive the limitations on liability which are provided to the parties under the Colorado Governmental Immunity Act § 24-10-101 et seq., C.R.S., as amended.

b. Monitoring and Accounting. The Lead Agency shall maintain financial, project, and other records and accounts for the Collaborative in accordance with the requirements of the HCD, Stafford and /or Disaster Acts and CDBG Regulations.

All Participating Governments agree to make available all records and accounts pertaining to CDBG-DR funded projects covered by this Agreement at all reasonable times to their respective personnel and duly authorized federal officials.

c. Other Applicable Laws. All projects undertaken pursuant to this Agreement shall be subject to any relevant State statutes, home rule charter provisions, assessment, planning, zoning, sanitary and

building laws, ordinances and regulations applicable to each Participating Government or jurisdiction in which a project receiving CDBG-DR funds is situated.

d. Amendments. Should it become necessary to change the language of this Agreement to meet State approval without altering the intent of the Agreement, the Lead Agency is authorized to amend the Agreement with the written consent of the members, which may be provided electronically. All other amendments to this Agreement must be in writing and signed by the Lead Agency and Participating Governments. Each Participating Government may authorize staff members to sign amendments on its behalf. Longmont's Director of Community Services may sign such amendments on behalf of Longmont if the amendment does not substantially increase the scope of Longmont's obligations hereunder.

e. Severability. Invalidation of any one or more of the provisions of this Agreement shall in no way affect any of the other provisions thereof, which shall remain in full force and effect.

f. Financial Obligations of the Parties. Each party's financial obligations under this Agreement are contingent upon appropriation, budgeting, and availability of specific funds to discharge those obligations. Nothing in this Agreement constitutes a debt, a direct or indirect multiple fiscal year obligation, a pledge of the credit of either party, or a payment guarantee by either party to the other party.

g. Execution. This Agreement shall be executed by the appropriate officers of each Participating Entity pursuant to authority granted them by their respective governing bodies, and a copy of the authorizing resolution and executed Agreement shall be filed promptly at the offices of the Lead Agency.

EXECUTED as of the date first set forth above.

Boulder County Board of Commissioners

By: _____

Chair of the Board of County Commissioners

ATTEST:

Clerk to the Board

City of Longmont

By: _____

Mayor, City of Longmont

Date

SEAL

ATTEST:

City Clerk

Approved as to Form and Substance:

Originating Department

Approved as to Form:

Assistant City Attorney

Proofread:

City of Boulder

By: _____

City Manager, Boulder

Date

SEAL

ATTEST:

City Clerk

City of Lafayette

By: _____

Mayor, City of Lafayette

Date

SEAL

ATTEST:

Clerk to the City Council

City of Louisville

By: _____

Mayor, City of Louisville

Date

SEAL

ATTEST:

Clerk to the City Council

Town of Lyons

By: _____

Mayor, Town of Lyons

Date

SEAL

ATTEST:

Clerk to the Board

THE TOWN OF NEDERLAND , COLORADO

ATTEST:

LauraJane Baur, Town Clerk

Joe Gierlach, Mayor

DRAFT

Town of Jamestown

By: _____

Mayor, Town of Jamestown

Date

SEAL

ATTEST:

Clerk to the Board

CDBG-DR City Town County Collaborative Guiding Principles and Selection Criteria

Approved January 9, 2015

The Participating Governments recognize that CDBG-DR funds will be insufficient to address all of the unmet needs in Boulder County. Therefore, the Participating Governments have identified the following Guiding Principles and Selection Criteria to prioritize needs countywide. Generally, our communities must be thoughtful in consideration of projects, and advance projects that clearly meet CDBG-DR criteria and that free up funding to complete projects that otherwise are not eligible for CDBG-DR.

Guiding Principles

1. *Multi-jurisdictional benefit*: Consider a holistic approach to flood recovery; implement projects that serve or benefit multiple jurisdictions.
2. *Alignment with Unmet Needs Assessment*: Use the Unmet Needs Assessment to guide allocation of funding; strive to achieve a reasonable balance of funding across communities and between infrastructure and housing projects.
3. *Resiliency*: Consider projects that result in a more resilient community; projects may go beyond flood repair, reducing risk and mitigating hazards in the community.
4. *Safe, accessible housing*: Support diverse and resilient communities by providing access and repairs to existing housing, new housing opportunities and replacement of housing destroyed by the flood, especially in communities where housing was destroyed.

Minimum Eligibility Criteria

1. Projects must meet HUD's CDBG-DR objectives and requirements (Urgent Need, Low/Moderate Income or Slum and Blight; procurement standards, use of Davis-Bacon wages, environmental review, eligible activity, etc.).
2. Projects must address impacts from the flood.
3. Projects must meet an Unmet Need as identified in the Unmet Needs Assessment.
4. Projects must be able to meet the timely expenditure of funds requirement, with funds expended within two years of the state and/or HUD funding agreements.

Infrastructure Selection Criteria

1. Top priority for each jurisdiction.
2. Considers a project's benefits across jurisdictions.
3. Maximizes and leverages resources.
 - a. Maximize resources by considering a project's eligibility for other funding sources, e.g. projects that could be funded from competitive CDBG-DR funding categories.
 - b. Considers leveraged resources.
4. Timeliness of projects assured.

- a. Construction projects have a realistic, attainable scope and schedule (e.g., ready to bid, ability to be completed within required time frame).
 - b. Local match, buyout and other projects similarly must be able to be completed within expenditure deadlines.
5. Consideration of proportionate need in, and fiscal stability of, each community.
6. Reduces risk and mitigates and/or avoids hazards in a community.
7. For stream and creek projects, prioritize those that address the higher level of flood intensity and flood flow intervals and the corresponding damages resulting from the flood.

Housing Development Selection Criteria

1. Replaces housing in the community where it was lost when possible, but elsewhere in the county as close to that community as possible when it cannot be replaced in the community.
2. Top priority for each jurisdiction, with each jurisdiction (Longmont, City of Boulder, Boulder County) funded once before consideration given to a second project.
3. Project recommended by the Boulder County Housing Pipeline.
4. Considers the readiness/timing of projects.
5. Considers whether other resources are available, and leverages those resources where possible.
6. Support projects with a strong nexus between flood victims' housing needs and the project's housing (by income, population and type of housing).
7. All other factors in a project being equal, prioritize projects that will provide the deepest affordability for the longest period of time.

Exhibit B

List of Special Districts:

Allenspark Fire District
Boulder County Health Department
Boulder Mountain Fire District
Boulder Valley School District
Fairways Metropolitan District
Four Mile Canyon Fire District
Gold Hill Fire District
Left Hand Water District
Left Hand Fire District
Lyons Fire District
Lyons Ditch Company
Niwot Sanitation District
Pine Brook Water District
St. Vrain and Left Hand Water Conservancy District
St. Vrain Valley School District
Sunshine Fire District

APPENDIX C

GUIDING PRINCIPLES AND SELECTION CRITERIA

CDBG-DR City Town County Collaborative

Guiding Principles and Selection Criteria

Approved January 9, 2015

The Participating Governments recognize that CDBG-DR funds will be insufficient to address all of the unmet needs in Boulder County. Therefore, the Participating Governments have identified the following Guiding Principles and Selection Criteria to prioritize needs countywide. Generally, our communities must be thoughtful in consideration of projects, and advance projects that clearly meet CDBG-DR criteria and that free up funding to complete projects that otherwise are not eligible for CDBG-DR.

Guiding Principles

1. *Multi-jurisdictional benefit:* Consider a holistic approach to flood recovery; implement projects that serve or benefit multiple jurisdictions.
2. *Alignment with Unmet Needs Assessment:* Use the Unmet Needs Assessment to guide allocation of funding; strive to achieve a reasonable balance of funding across communities and between infrastructure and housing projects.
3. *Resiliency:* Consider projects that result in a more resilient community; projects may go beyond flood repair, reducing risk and mitigating hazards in the community.
4. *Safe, accessible housing:* Support diverse and resilient communities by providing access and repairs to existing housing, new housing opportunities and replacement of housing destroyed by the flood, especially in communities where housing was destroyed.

Minimum Eligibility Criteria

1. Projects must meet HUD's CDBG-DR objectives and requirements (Urgent Need, Low/Moderate Income or Slum and Blight; procurement standards, use of Davis-Bacon wages, environmental review, eligible activity, etc.).
2. Projects must address impacts from the flood.
3. Projects must meet an Unmet Need as identified in the Unmet Needs Assessment.
4. Projects must be able to meet the timely expenditure of funds requirement, with funds expended within two years of the state and/or HUD funding agreements.

Infrastructure Selection Criteria

1. Top priority for each jurisdiction.
2. Considers a project's benefits across jurisdictions.
3. Maximizes and leverages resources.
 - a. Maximize resources by considering a project's eligibility for other funding sources, e.g. projects that could be funded from competitive CDBG-DR funding categories.
 - b. Considers leveraged resources.
4. Timeliness of projects assured.
 - a. Construction projects have a realistic, attainable scope and schedule (e.g., ready to bid, ability to be completed within required time frame).
 - b. Local match, buyout and other projects similarly must be able to be completed within expenditure deadlines.

5. Consideration of proportionate need in, and fiscal stability of, each community.
6. Reduces risk and mitigates and/or avoids hazards in a community.
7. For stream and creek projects, prioritize those that address the higher level of flood intensity and flood flow intervals and the corresponding damages resulting from the flood.

Housing Development Selection Criteria

1. Replaces housing in the community where it was lost when possible, but elsewhere in the county as close to that community as possible when it cannot be replaced in the community.
2. Top priority for each jurisdiction, with each jurisdiction (Longmont, City of Boulder, Boulder County) funded once before consideration given to a second project.
3. Project recommended by the Boulder County Housing Pipeline.
4. Considers the readiness/timing of projects.
5. Considers whether other resources are available, and leverages those resources where possible.
6. Support projects with a strong nexus between flood victims' housing needs and the project's housing (by income, population and type of housing).
7. All other factors in a project being equal, prioritize projects that will provide the deepest affordability for the longest period of time.

APPENDIX D

CITIZEN PARTICIPATION PLAN for the use of Community Development Block Grant Disaster Recovery (CDBG-DR) Funding

In accordance with FR Vol. 79, No. 106

Boulder County CDBG-DR Collaborative

The Boulder County Collaborative (“Collaborative”) has developed this Citizen Participation Plan to meet the requirements of the CDBG Disaster Recovery funding following the floods of September 2013. The plan reflects the alternative requirements as specified by the U.S. Department of Housing and Urban Development (HUD) in the Federal Register (FR Vol 79, No. 106) and any amendments added as applicable. The Collaborative, through the City of Longmont, will ensure the citizen participation plan meets the CDBG-DR regulations and takes into consideration the waivers and alternatives made available by HUD.

This Citizen Participation Plan is developed to ensure that citizens of the Boulder County communities, particularly persons of low and moderate income residing in areas where it is proposed that such funds are to be used, are provided the opportunity and encouraged to participate in the planning and implementation of funded activities. The Collaborative expects to fund activities that address the needs of those persons in the two general categories of housing and infrastructure.

Boulder County Collaborative Outreach Plan

The City of Longmont, as Lead Agency for the Boulder County Collaborative, will ensure all HUD requirements for citizen engagement are met. The Collaborative will also conduct additional outreach efforts to all impacted stakeholders. The Collaborative will initiate outreach through the following mechanisms: host in-person meetings for data validation and to gain feedback and comments on proposed activities, facilitate monthly meetings with the local officials and staff that are part of the Collaborative to discuss program guidelines, planning and to receive and incorporate feedback from the local jurisdictions. Relevant information to the Action Plan and any amendments will be posted to the City of Longmont and the Boulder County websites and comments may be submitted

electronically.

In addition, the following additional Minority Outreach will be undertaken:

- Announce public hearings to organizations that represent minorities and persons with disabilities at least 10 days prior to the public hearing date(s).
- Include a statement in notices of public hearings indicating that participants in the hearings may request language interpretation to assist in their participation.
- Include a statement in notices of public hearings that locations of the meetings are accessible to persons with physical disabilities.
- Include a statement in notices of public hearings that participants can request reasonable accommodations from the City to participate in the public meetings.
- Notify organizations that represent minorities that every reasonable effort will be made to translate documents including having documents on the city's website translatable using "Google Translate".

Public Notice and Comment Period

The Collaborative will provide public notice and seek feedback for the development of the Disaster Recovery Partial Action Plan through emails, website postings, newspapers, and public meetings.

Prior to finalizing the Disaster Recovery Partial Action Plan, the Collaborative will make available to stakeholders, citizens, public agencies and other interested parties information that includes the amount of assistance the Collaborative expects to receive and the range of activities that may qualify for funding under this grant, including the estimated amount that will benefit persons of low and moderate income.

The draft Partial Action Plan will be made available online in both English and Spanish at <http://longmontcolorado.gov/departments/departments-n-z/public-information/flood-information>. Copies of the draft Partial Action Plan will also be available to review during the business hours of 8:00am to 5:00pm, Monday-Friday at the following locations with written comments sent to the same location:

Boulder County Courthouse
Third Floor Reception
1325 Pearl Street
Boulder, CO 80302

Boulder County Flood Recovery Permitting and Information Center
1301 Spruce Street

Boulder, CO 80302

City of Longmont
Housing and Community Investment Division
350 Kimbark Street
Longmont, CO 80501

Lyons Town Hall
432 5th Avenue
Lyons, CO 80540

Jamestown Town Hall
118 Main St.
Jamestown, CO 80455

The Collaborative will also hold at least two (2) public hearings in different communities within Boulder County to provide for and encourage citizen participation in conjunction with the public comment period of the Draft Partial Action Plan, and will ensure adequate public notice before the hearings, with sufficient information published about the subject of the hearing to permit informed comment.

The Collaborative will hold all stakeholder meetings and public hearings in a time and location convenient to potential beneficiaries, and accommodations will be made for people with disabilities. Persons with a disability or who are non-English speaking individuals and require accommodations to participate in public meetings should contact the Longmont Housing and Community Investment Office at (303) 651-8444. A minimum of three working days prior to the public hearing would be appreciated so that reasonable accommodations can be made. Children are welcome to attend with their parents.

Para información en español, puede llamar a Virginia al (303) 651-8444. TDD/TTY Communication is available via the Colorado Relay system at 1-800-659-3656.

Stakeholders and citizens will be notified of any public hearing at least one (1) week before it is held.

Development of Disaster Recovery Partial Action Plan

The Collaborative is developing a Disaster Recovery Partial Action Plan that will include:

1. The amount of assistance expected to be received, based on projected amounts provided by the State of Colorado;
2. The range of activities that can be undertaken including the estimated amount that will benefit persons of low and moderate income;

3. Plans to minimize displacement of persons and assist any persons displaced;
4. An anticipated time schedule for submission of the Partial Action Plan to the State of Colorado; and
5. Incorporation of and response to public comments received during the public comment period.

Amendments to Partial Action Plan

The Collaborative will provide public notification and comment procedures if any of the following Substantial Amendments are proposed:

- A change in program benefit, eligibility criteria, or planned beneficiaries;
- The allocation or re-allocation of more than \$1 million per activity;
- Adding any project not previously described in the approved Partial Action Plan; or
- Deleting any previously approved project described in the Partial Action Plan.

The Collaborative will publish in both the Boulder Camera and the Longmont Times-Call, newspapers of general circulation, the availability of the draft amendment and the dates of the 30-day public comment period. A copy of the amendment will be available at each of the following locations:

Boulder County Courthouse
Third Floor Reception
1325 Pearl Street
Boulder, CO 80302

Boulder County Flood Recovery Permitting and Information Center
1301 Spruce Street
Boulder, CO 80302

City of Longmont
Housing and Community Investment Division
350 Kimbark Street
Longmont, CO 80501

Lyons Town Hall
432 5th Avenue
Lyons, CO 80540

Jamestown Town Hall
118 Main St.
Jamestown, CO 80455

For other non-substantial amendments, the Collaborative shall notify the State of Colorado,

but public comment is not required. Every amendment, substantial or not, shall be numbered sequentially and posted on the City of Longmont's website at <http://longmontcolorado.gov/departments/departments-n-z/public-information/flood-information>.

The Collaborative must submit quarterly performance data to the State for input into HUD's Disaster Recovery Grant Reporting (DRGR) system. Within three (3) days of the State's submission to HUD, each Quarterly Performance Report (QPR) must be posted on the Colorado Department of Local Affairs (DOLA) website <http://dola.colorado.gov/cdbg-dr/> for public review and comment. The State's first QPR is due after the first full calendar quarter after the grant award. QPRs will be posted on a quarterly basis until all funds have been expended and all expenditures have been reported.

During the term of the grant, the Collaborative will provide citizens, affected local governments, and other interested parties with reasonable and timely access to information and records relating to the approved program.

Complaint Process and Procedures

Complaints or concerns regarding the Disaster Recovery Partial Action Plan may be written, emailed, or phoned in to City of Longmont, Housing and Community Investment Manager, Kathy Fedler. A written response or acknowledgment of written complaints or concerns will be provided within fifteen (15) working days.

The Collaborative will respond to comments, complaints and grievances in a timely manner. Responses will be made in writing and may be responded to via email if applicable. Please address your comments, complaints, or grievances to:

Kathy Fedler
City of Longmont
Housing and Community Investment Division
350 Kimbark Street
Longmont, CO 80501

Persons wishing to object to approval of a CDBG-DR program may make such objection known to the State in writing to DOLA. The State will consider objections made only on the following grounds:

- The applicant's description of needs and objectives is plainly inconsistent with available facts and data;
- The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the applicant; and

- The program does not comply with the requirements set forth in the Disaster Recovery Action Plan or other applicable laws.

Such objections should include identification of the requirements not met and supporting data. Please address your objection to:

Dave Bowman, CDBG-DR Director
Department of Local Affairs
1313 Sherman Street, Room 518
Denver, CO 80203

Close Out Process

The Collaborative will make all performance reports available to the public on its website throughout the grant period.

Prior to close-out of the Community Development Block Grant - Disaster Recovery program, the Collaborative will host a public hearing to obtain citizen views and to respond to questions relative to the Collaborative's performance. This hearing shall be held after adequate notice, at times and locations convenient to actual beneficiaries and with accommodations for the disabled and non-English speaking persons provided as noted above.

APPENDIX E

PUBLIC NOTICES

FOR IMMEDIATE RELEASE:

March 20, 2015

Contact: Kathy Fedler, Housing and Community Investment Manager,
Kathy.fedler@longmontcolorado.gov, 303-651-8736 or Leslie Irwin, Policy Analyst, Boulder County,
lirwin@bouldercounty.org, 303-441-3546

NOTICE OF PUBLIC COMMENT AND PUBLIC HEARINGS BOULDER COUNTY COLLABORATIVE CDBG-DR ACTION PLAN

Community Development Block Grant – Disaster Recovery Program

Pursuant to the HUD approved, Boulder County/Broomfield County Regional Consortium Citizen Participation Plan, citizens are encouraged to participate in the development of the Boulder County Collaborative Community Development Block Grant – Disaster Recovery (CDBG-DR) Action Plan. The Boulder County Collaborative includes 8 local governments (Boulder, Jamestown, Lafayette Longmont, Louisville, Lyons, Nederland and Ward) and Boulder County government covering all unincorporated areas of Boulder County and some special districts in the county. The purpose of the Action Plan is to identify and assess local unmet flood recovery and resiliency planning needs, to develop strategies and identify resources where possible aimed at addressing those needs. The Action Plan also identifies the manner in which federal CDBG-DR Funds sub-allocated to the Collaborative from the State Department of Local Affairs are proposed to be expended through the Action Plan.

This is the second notice inviting all members of the public to review and comment on the draft Action Plan. This is the same plan that was initially announced for public comment on March 5, 2015. The Boulder County Collaborative will be extending the comment period until April 20, 2015 to ensure that a full 30-day comment period is available to the public. All members of the public are invited to review the draft Action Plan during the 30-day public comment period from March 20, 2015 and provide public comment using any one of the methods listed below.

The draft Action Plan can be reviewed online in both English and Spanish at <http://longmontcolorado.gov/departments/departments-n-z/public-information/flood-information>. Copies of the draft Consolidated Plan are also available to review during the business hours of 8:00am to 5:00pm, Monday-Friday at the following locations with written comments sent to the same location:

Boulder County Courthouse
Third Floor Reception
1325 Pearl Street
Boulder, CO 80302

Boulder County Flood Recovery Permitting and Information Center
1301 Spruce Street
Boulder, CO 80302

City of Longmont
Housing and Community Investment Division
350 Kimbark Street
Longmont, CO 80501

Lyons Town Hall
432 5th Avenue
Lyons, CO 80540

Jamestown Town Hall
118 Main St.
Jamestown, CO 80455

As a continuation of the public hearing process, an additional public hearing on the draft Action Plan will be held on:

Tuesday, March 31, 5:30 pm to 6:30 pm, Jamestown Town Hall, 118 Main Street, Jamestown
and

Wednesday, April 1, 6:30 pm to 7:30 pm, Lyons Town Hall, 432 5th Avenue, Lyons

If you have a disability or are a non-English speaking individual and require accommodations (including a language translator) to participate in this public meeting, please contact the Longmont Housing and Community Investment Office as early as possible at (303) 651-8444. A minimum of three working days prior to the public hearing would be appreciated so that reasonable accommodations can be made. Children are welcome to attend with their parents. This meeting location is accessible to persons with physical disabilities.

Para información en español, puede llamar a Virginia al (303) 651-8444. TDD/TTY Communication is available via the Colorado Relay system at 1-800-659-3656.

All comments received will be considered by the Boulder County Collaborative.

###

Earlier Public Notice:

March 5, 2015

Contact: Kathy Fedler, Housing and Community Investment Manager,
Kathy.fedler@longmontcolorado.gov, 303-651-8736 or Leslie Irwin, Policy Analyst, Boulder County,
lirwin@bouldercounty.org, 303-441-3546

**NOTICE OF PUBLIC COMMENT AND PUBLIC HEARINGS
BOULDER COUNTY COLLABORATIVE CDBG-DR ACTION PLAN**

Community Development Block Grant – Disaster Recovery Program

Pursuant to the HUD approved, Boulder County/Broomfield County Regional Consortium Citizen Participation Plan, citizens are encouraged to participate in the development of the Boulder County Collaborative Community Development Block Grant – Disaster Recovery (CDBG-DR) Action Plan. The Boulder County Collaborative includes 8 local governments (Boulder, Jamestown, Lafayette Longmont, Louisville, Lyons, Nederland and Ward) and Boulder County government covering all unincorporated areas of Boulder County and some special districts in the county. The purpose of the Action Plan is to identify and assess local unmet flood recovery and resiliency planning needs, to develop strategies and identify resources where possible aimed at addressing those needs. The Action Plan also identifies the manner in which federal CDBG-DR Funds sub-allocated to the Collaborative from the State Department of Local Affairs are proposed to be expended through the Action Plan.

All members of the public are invited to review the draft Action Plan during a 10-day public comment period from March 9 - 19, 2015 and provide public comment using any one of the methods listed below.

The plan can be reviewed online at <http://longmontcolorado.gov/departments/departments-n-z/public-information/flood-information>. Copies of the draft Consolidated Plan are also available to review during the business hours of 8:00am to 5:00pm, Monday-Friday at the following locations with written comments sent to the same location:

Boulder County Courthouse
Third Floor Reception
1325 Pearl Street
Boulder, CO 80302

Boulder County Flood Recovery Permitting and Information Center
1301 Spruce Street
Boulder, CO 80302

City of Longmont
Housing and Community Investment Division
350 Kimbark Street
Longmont, CO 80501

Lyons Town Hall
432 5th Avenue

Lyons, CO 80540

Jamestown Town Hall
118 Main St.
Jamestown, CO 80455

Two public hearings on the draft Action Plan will be held on:

March 12, 2015
4:30 p.m. – 5:30 p.m.
Boulder County Courthouse
3rd Floor Hearing Room
1325 Pearl Street
Boulder, CO 80302

March 17, 2015
5:30 p.m. – 6:30 p.m.
Longmont Civic Center
City Manager's Conference Room
350 Kimbark Street
Longmont, CO 80501

If you have a disability or are non-English speaking and require accommodations to participate in either of these public meetings, please contact the Longmont Housing and Community Investment Office as early as possible at (303) 651-8444. A minimum of three working days prior to the public hearing would be appreciated so that reasonable accommodations can be made. Children are welcome to attend with their parents.

Para información en español, puede llamar a Virginia al (303) 651-8444. TDD/TTY Communication is available via the Colorado Relay system at 1-800-659-3656.

All comments received will be considered by the Boulder County Collaborative.

###

APPENDIX F
PUBLIC COMMENT SUMMARY

DRAFT

APPENDIX G

LONGMONT'S CDBG PROGRAM ACCOMPLISHMENTS - 2014

To be updated before submitting

DRAFT